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| | | | ART UNIT 2145 | PAPER NUMBER |
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/832,488
Filing Date: April 11, 2001
Appellant(s): NAKADA ET AL.

Akifumi Nakada, Hajime Tsuchitani, Osamu Furusawa, & Toshihiko Zuzuki
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/26/07 appealing from the Office action mailed
11/15/06.

(1) Real Part in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|-----------|---------------|---------|
| 5,796,934 | Bhanot et al. | 8-1998 |
| 5,692,192 | Sudo | 11-1997 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Sudo, USPN 5,692,192.

For claims 7 and 18, Sudo discloses a message processing method and media for execution by a message processor, comprising:

providing, in the message processor of a mobile agent, a plurality of conversation threads and a conversation part object including a conversation thread part that is capable of controlling the plurality of conversation threads [ie. user-level threads, Sudo, col. 7, line 61 -col. 8, line 11, figure 1, nodes];

halting the plurality of conversation threads lie. stopping thread, [Sudo, col. 8, lines 1-11, figure 2, threads]; sending the conversation part object through a network from the message process to another place in another message processor and resuming the plurality of conversation threads at another message processor [ie. transfer thread to another node and resume, Sudo, col. 8, lines 12-36]

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resuming the plurality of conversation threads at the another message processor [Sudo, figure 8, Node A, B, C, Col. 7 line 61 Col. 8 line 11, transfer thread].

Claims 7 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Bhanot et al. ("Bhanot"), USPN 5,796,934.

For claims 7 and 18, Bhanot discloses a message processing method and media for execution by a message processor, comprising:

providing, in the message processor of a mobile agent, a plurality of conversation threads and a conversation part object including a conversation thread part that is capable of controlling the plurality of conversation threads [ie. transaction thread, Bhanot, col. 2, lines 38-61 and col. 3, lines 54-66, col. 3 lines 42, portable computers];

halting the plurality of conversation threads [ie. stopping thread, Bhanot, col. 4, lines 5-26];

sending the conversation part object through a network from the message process to another place in another message processor and resuming the plurality of conversation threads at another message processor [ie. restart transaction on backup server, Bhanot, col. 5, lines 27-52].

resuming the plurality of conversation threads at the another message processor [ie. restart transaction on backup server, Bhanot, col. 5, lines 27-52].

(10) Response to Argument

Argument addressing 102 rejection using Sudo:

Appellant's 1st argument address an argument presented by the examiner in the last office action. As before the appellant wishes to import the specification into the claim. Examiner has reviewed appellant specification the citation does not provided a definition of the term mobile agent. The citation merely shows the use in one embodiment of the invention, which the appellant has failed to explicitly claim. Appellant's exemplification is not a definition. Additionally appellant use in the specification did not depart from normal interpretation. Sudo uses Nodes, which are inherently mobile. Additionally the terminology of the term mobile is very broad.

Appellant's 2nd argument is the plurality of "conversation threads." Figure 2 clearly show more than one thread, hence Sudo teaches a plurality of threads. Also Sudo refers through out the disclosure to threads, threads inherently would be a plurality.

Argument addressing 102 rejection using Bhanot:

Appellant present two arguments one addressing "control conversation part" and "mobile agent."

As discussed above mobile agent is not defined in the specification. Bhanot has client computer system, which are inherently mobile device. Also in col. 3 lines 42 Bhanot specifically identifies client as a portable computer. A portable computer is a mobile agent.

"Controlling conversation thread parts" is disclosed in col. 2 lines 38-61 and col. 3 lines 54-66, transaction thread. The conversation thread of the claim is interpreted as the communication from one computer to another, this analysis is based upon appellant's

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specification pages 2 lines 15-26 in which it appears the appellant exemplifies messaging communication as the conversation thread part. Therefore appellant's arguments fail to overcome the cited prior art.

Appellant's additional statements:

Appellant argues the combination of Sudo and Bhanot would not be obvious to one of ordinary skill in the art to combine. Examiner notes that the rejection based upon a 102 rejection and the combination of Sudo and Bhanot is not necessary in the rejection of the claim. Additionally Sudo and Bhanot are both threaded communication systems, which one of ordinary skill at the time of invention would be able to make interoperable. Additionally appellant states that mobile agent is a non-obvious modification. It is well known in the art to make systems desirable for operation anywhere, hence made mobile. Bhanot specifically states a client is a portable computer (col. 3 lines 42), hence inherently mobile. Sudo's Nodes are also inherently mobile. Additionally appellant argues obviousness of controlling a plurality of conversation threads. As discussed above both pieces of prior art discuss a plurality of threads, which are controlled and inherent and explicitly disclosed in the prior art.

Examiner has address all of appellant's arguments, all of which fail to overcome the prior art.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

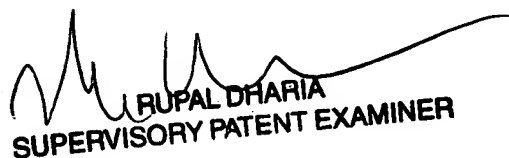
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